

MINUTES OF THE HOWARD COUNTY PLANNING BOARD – April 24, 2008 P.M.

Members Present: Tammy CitaraManis, Chairperson; David Grabowski, Vice-Chair; Linda Dombrowski; Gary Rosenbaum; Ramsey Alexander, Jr.

Members Absent:

DPZ Staff Present: Marsha McLaughlin; Kent Sheubrooks; Mike Antol; Dave Boellner; Zan Koldewey; Laurie Scott

Pre-Meeting Minutes

The Board discussed the order of the agenda as well as administrative items like signatures for the Decision and Order for PB 383 Waterloo.

Minutes

No minutes were voted on.

Ms. CitaraManis opened the public meeting at approximately 7:10 p.m.

PUBLIC MEETING

SDP-07-102 Waterloo Land No. 1

Presented By: Mike Antol
Petition: Waterloo crossing, Parcel A – For approval of a Site Development Plan for the construction of six (6) office buildings on 2.69 acres of land zoned New Town – Employment Center, Commercial, and 3.00 acres of land zoned CCT (Community Center Transition), totaling 5.69 acres, in accordance with Final Development Plan Phase 64-B. The subject 5.69 acre site is located on the west side of Waterloo Road/MD Route 108, approximately 850 feet south of Snowden River Parkway, in the Sixth Election District of Howard County, Maryland.
DPZ Recommendation: Approval
Petitioner's Representatives: Rob Vogel, Engineer

Mr. Antol explained the proposed plan for the construction of six office buildings in New Town, and adjacent uses. He also explained the subject parcel has existing buildings that would be removed prior to construction as well as access to the site.

Ms. CitaraManis clarified that the Board has not yet signed the Decision and Order for PB 383, Waterloo Crossing. Mr. Antol stated that approval would be subject to a signed Decision and Order.

Rob Vogel, Engineer for the project stated that the gross square footage is 74,640, for both the general office building and medical building.

Ms. Dombrowski questioned the landscaping between the property and the existing school, she also asked if a fence would be installed. Mr. Vogel stated that the school specifically requested a fence and would be part of the plan.

Ms. CitaraManis questioned the CCT zoned area's forest conservation. Mr. Vogel explained that the New Town portion of the site is exempt from forest conservation, however the CCT zoned area is not and the developer will be paying a fee-in-lieu for forest conservation.

Motion:

Mr. Alexander, Jr. moved to accept the staff report of approval as amended for SDP-07-102, Waterloo Land No. 1 & 2. Mr. Rosenbaum seconded the motion.

Amended Motion:

Mr. Alexander, Jr. amended his motion to include that approval is based upon the signed Decision and Order for PB 383, Waterloo Crossing.

Discussion:

Mr. Alexander, Jr. stated that the plan meets the criteria.

Mr. Grabowski stated that the Petitioner worked with the school's request of a fence as well as met stringent parking standards.

Ms. Dombrowski stated her concern that the process had not been followed, since the Decision and Order had not been signed prior to the site plan coming before the Board.

Vote:

4 Yea 1 Nay. The motion was carried with Ms. Dombrowski dissenting.

SDP-07-070 Merritt RWI, LLC

Presented By:	Mike Antol
Petition:	Rivers Corporate Park, Section 1, Area 1, Parcel C: For approval of a Site Development Plan for the construction of a 20,850 square feet office building addition along the east side of an existing 43,618 sq. ft. office building and an additional 159 parking spaces in accordance with Final Development Plan Phase 184-A-IV on a 6.6328 acre parcel zoned New Town – Employment Center, Industrial Land Use. The subject site is located on the southeast corner of Riverwood Drive and Old Columbia Road in the Sixth Election District of Howard County, Maryland.
DPZ Recommendation:	Approval
Petitioner's Representative:	Dan Palace, Merritt Properties

Mr. Antol explained the proposed plan to construct an office building addition as well as 159 additional parking spaces within the Rivers Corporate Park.

Mr. Palace stated that it is a difficult single-use building, the addition would allow for a multiple user building with additional parking as required.

Mr. Alexander, Jr. asked where the stormwater management area would be on the plan. Mr. Palace stated that there will be two underground stormwater management areas.

Motion:

Mr. Grabowski moved to accept the staff report for SDP-07-070, Merritt Properties and seconded by Mr. Rosenbaum.

Discussion:

Mr. Grabowski stated that the plan is for redevelopment of an existing site and does not alter the character of the neighborhood. Mr. Rosenbaum stated that the plan is a good concept for revitalizing existing buildings. The other Board members agreed.

Ms. Dombrowski, Mr. Alexander, Jr. and Ms. CitaraManis agreed with the Board.

Vote:

5 Yea 0 Nay. The motion was carried.

SDP-08-058 Maple Lawn Farms

Presented By: Kent Sheubrooks
Petition: Maple Lawn Farms, Westside District, Parcel “B-11”, Wachovia Bank for approval of a Site Development Plan for the construction of a one-story bank with a drive-thru canopy and associated site improvements in accordance with Section 127.F.1 of the Howard County Zoning Regulations. The subject property contains .80 acres of land zoned “MXD-3” and is located on the northwest side of Westside Blvd. and Maryland Route 216 in the Fifth Election District of Howard County, Maryland.
DPZ Recommendation: Approval
Petitioner’s Representative: Charlie O’Donovan, Greenebaum and Rose

Mr. Sheubrooks gave a brief overview of the proposed plan to construct a Wachovia Bank within the Maple Lawn Farms mixed-use development. He explained the zoning of the subject parcel as well as the zoning and uses of the adjacent parcels. Mr. Sheubrooks stated that a Harris Teeter store is being constructed and parking will be shared with the Bank and the store.

Mr. Rosenbaum questioned the amount of parking spaces. Mr. Sheubrooks explained that a total of 533 parking spaces will be provided on-site, which exceeds the minimum parking requirement.

Mr. O’Donovan stated that the bank will probably end up being Bank of America, not Wachovia. He explained the adjacent pods and configuration of parking for each of the pods once they are developed. He also explained the pedestrian walkways and connections that are being developed around the site.

Motion:

Mr. Rosenbaum moved to approve SDP-08-058 Maple Lawn Farms, LLC as per the staff report. Mr. Alexander, Jr. seconded the motion.

Discussion:

Mr. Rosenbaum stated that his concerns regarding pedestrian access throughout the Maple Lawn Development and that all requirements have been met. The other Board members agreed.

Vote:

5 Yea 0 Nay. The motion was carried.

SDP-07-131 Wegmans Food Markets

Presented By: Kent Sheubrooks
Petition: For approval to amend a previously approved Site Development Plan to adjust the maximum building height requirement from 50 feet to 92.07 feet for a clock tower which serves as an architectural design feature for the Wegmans Food Market grocery store in accordance with Section 125.E.4 of the Howard County Zoning Regulations. The subject property contains 12.2 acres of land zoned “New Town-Employment Center Industrial” and is located on the northwest corner of Snowden River Parkway and McGaw Road in the Sixth Election District of Howard County, Maryland.
DPZ Recommendation: Approval
Petitioner’s Representative: Richard Talkin, Esq.

Mr. Sheubrooks explained the proposed plan to construct a clock tower on top of the Wegmans Food Market grocery store, which exceeds the maximum building height by 42.07 feet. He also explained that the site development plan for the Wegmans Food Market grocery store was previously approved on January 31, 2008, however the clock tower was continued until the property was properly posted for 15 days prior to a public meeting.

Mr. Talkin stated that he concurs with the staff report and his belief that the Board had the ability to approve the tower when approving the actual site plan, however the Board requested that the property be posted due to the height variance and that request was complied with. Mr. Talkin explained that the clock tower is an architectural feature that enhances the area.

Mr. Levy, Project Manager, Wegmans Food Market, stated that the clock tower is a signature feature of all new Wegmans Food Market.

Susan Gray, Esquire, representing Carvel Mays, Jr. and Phillip Russo, who are in opposition to the variance. Ms. Gray stated that the case should be heard as a quasi-judicial case and not a public meeting and that the FDP was approved as illegal zoning. Ms. CitaraManis stated that the plan is at the SDP stage and the rules are clearly stated and that the issue is only the clock tower and the plan has already been approved.

Harry Roth of 1681 Crown Avenue, Lancaster PA speaking as a community planning consultant, opposed the project stating that it would be bad policy.

Motion:

Mr. Grabowski moved to accept the Technical Staff Report for SDP-07-131 Wegmans Food Market, Inc. with the specific wording that the height adjustment shall be available solely to the clock tower feature as depicted on the site plan and architectural plans and not to any other structure, building feature or use on the subject property. Mr. Alexander, Jr. seconded the motion.

Discussion:

Mr. Grabowski stated his belief that the criteria in the FDP allow the Planning Board to approve the height of the tower. He also stated the tower does not change the neighborhood and that it is a very minimal disturbance.

Mr. Alexander, Jr. stated that the tower is a standard design feature for Wegmans Food Market. The other Board members agreed.

Vote:

5 Yea 0 Nay. The motion was carried.

Second Amendment to the Turf Valley Residential Sub-District Final Development Plan – Mangione Enterprises of Turf Valley, LP

Presented By: Dave Boellner

Petition: For Planning Board approval of the Second Amendment to the Turf Valley Residential Sub district FDP, revising the FDP map and criteria in accordance with the Fourth Amendment to the Turf Valley Comprehensive Sketch Plan and current Howard County Zoning Regulations. The property subject to criteria established by the FDP is zoned PGCC, contains 277.26 acres, and is located east of Turf Valley Road between Baltimore National Pike and Interstate 70 in the Second Election District of Howard County, Maryland.

DPZ Recommendation: Approval

Petitioner's Representative: Richard Talkin, Esq.

Mr. Boellner gave an overview of the proposed amendment to the Final Development Plan for the residential subdistrict as revising the FDP map and text criteria in accordance with the 4th amended Comprehensive Sketch Plan as well as the Howard County Zoning Regulations. He stated the map revisions as additions of parcels 7 and 6 as well as reconfiguration of the development area and criteria revisions consist of adding permitted uses as a result of zoning regulation changes, as well as clarification regarding bulk regulations.

Mr. Talkin stated that the Final Development Plan delineates the properties as well as stating approval criteria. He also stated that the plan is not required to have roads on them, but they will appear on future site development plans.

Frank Martin of 2911 Beaver Lake Court, Ellicott City, Maryland opposed the plan stating his concerns regarding the lack of detail on the plan and that fact that there are no roads on the plan even though a traffic study was completed and approved during the Comprehensive Sketch Plan phase.

Marc Norman of 2617 Golf Island Road, speaking on behalf of REGION, spoke in opposition of the plan stating that the plan has less detail than the Comprehensive Sketch Plan. He also stated his concerns regarding environmental issues on the site.

Paul Kendall 2630 Turf Valley Road, stated for the record that he is appealing the Comprehensive Sketch Plan. He opposed the plan stating that according to the regulations, roads are supposed to shown on the plan and therefore the plan should not be approved.

Gregg Tally of 2620 Golf Island Road opposed the plan stating his concerns regarding increasing traffic and safety issues for pedestrians.

Craig Fingerman 10913 Cypress Bay Court, representing the Turf Valley Overlook, spoke in opposition stating that the plan should not be APFO exempt and concerns regarding traffic.

Ms. CitaraManis asked to clarify the criteria from the Comprehensive Sketch Plan regarding parcel 706 being subject to APFO. Ms. McLaughlin explained that the CSP was not approved prior to APFO so that area is subject to APFO, which is the change being made to the Final Development Plan criteria, note 6.

Motion:

Mr. Alexander, Jr. moved to continue the case pending additional information from staff and Mr. Rosenbaum seconded the motion.

Discussion:

Mr. Alexander, Jr. stated that he would like to get more information about the project and the comprehensive sketch plan from the staff before making a final decision.

Mr. Rosenbaum agreed that he would like additional information as he was not on the Board when the Comprehensive Sketch Plan was approved.

Mr. Grabowski stated that the plan meets the criteria and is in accordance with the regulations.

Ms. Dombrowski stated that everyone needs to be completely informed prior to voting.

Ms. CitaraManis agreed with Mr. Grabowski.

Vote:

2 Yea 2 Nay and Ms. Dombrowski abstained. The motion failed.

Motion:

Ms. Dombrowski moved to approve the Final Development Plan with modifications to include explicit expression of the APFO requirement to the parcel on note 6; the inclusion of the arterial road setbacks; the prohibition of communication towers being placed in the residential area of the commercial zone and to reserve the Planning Board's right to review the Site Development Plan. Mr. Grabowski seconded the motion.

Discussion:

Ms. Dombrowski stated that by adding the APFO requirement in her motion, the plan cannot move forward until requirement has been met.

Mr. Rosenbaum stated that the modifications in Ms. Dombrowski's motion is yet another reason that it should not be approved at this point.

Vote:

3 Yea, 2 Nay. The motion was carried.

ZB 1071 M Welsh Property LLC

Presented By:	Zan Koldewey
Petition:	To amend the zoning of 41.81 acres from R-20 to R-ED. West side of Illchester Road, and north of Beechwood Road. (4738 Illchester Road)
DPZ Recommendation:	Approval
Petitioner's Representative:	Joe Rutter

Ms. Koldewey gave a brief explanation of the request to rezone approximately 41 acres from R-20 to R-ED, as well as the location and the zoning history of the property. She also stated that the Petitioner is claiming a case of mistake as the development impact on environmental features was not considered during the 2004 Comprehensive rezoning when the County Council rezoned the property to R-20.

Ms. CitaraManis stated the whole purpose of saying there was a mistake is to rectify the mistake and going to R-20 certainly was not the best thing to do but she is not sure that meets the standard to rezone to R-ED based on mistake.

Joe Rutter of Land Design and Development, stated that they were not the developer when the property was rezoned in 2004, the Welsh family was approached by a developer to build large lots on the parcel. He also stated that the request for rezoning did come late in the process, however the request was not studied properly and did not follow the proper process. Mr. Rutter explained that the mistake would be that the County Council should

have considered the factual information about the property before granting a rezoning to R-20. He also stated that R-ED zoning exists up and down the College Avenue corridor and would be appropriate for the site.

Robert Hale of 4635 Ilchester Road, currently subdividing his property that is zoned R-ED, stated his concerns that R-ED zoning allows zero lot lines, which creates an urban house type that is not consistent with green neighborhoods.

Edna Michel Moyer of 4772 Beechwood Road, Ellicott City, Maryland spoke against the proposed zoning map amendment stating that the open space of existing surrounding developments has never been maintained. She also stated her belief that this proposal is being driven by purely financial reasons.

Mark McPherson of 4826 Wharf Lane spoke against the rezoning stating his concerns that more development will over burden the existing roads.

Cathleen Sagrillo of 7458 Jeans Way stated that there should not be any speculation as to what the County Council was thinking and that R-ED provides too much flexibility as to what unit types can be built.

LaRue McMullen opposed the proposed rezoning stating that historically the properties had been zoned R-20.

Motion:

Ms. Dombrowski moved to approve ZB 1071M Welsh Property, LLC and Mr. Grabowski seconded the motion.

Discussion:

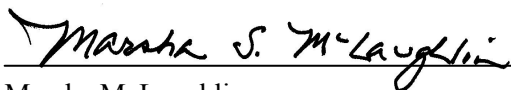
Ms. Dombrowski stated that she would consider this petition a mistake by County Council that there was a mistake made in the process of the original rezoning and a mistake by the County Council and the zoning process. Mr. Grabowski agreed with Ms. Dombrowski that a mistake was made.

Mr. Rosenbaum stated that a mistake was made by not having accurate information at the time of rezoning. Mr. Alexander, Jr. and Ms. CitaraManis agreed with the Board.

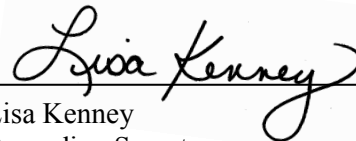
Vote:

5 Yea 0 Nay. The motion was carried.

THERE BEING NO FURTHER BUSINESS, THE PLANNING BOARD ADJOURNED AT APPROXIMATELY 11:40 P.M.



Marsha McLaughlin
Executive Secretary



Lisa Kenney
Recording Secretary